

TFER MOBILE FOOD ESTABLISHMENTS

228.221. Mobile Food Units.

(a) Mobile Food Unit provisions.

(1) General. Mobile food establishments shall comply with the requirements of these rules, except as otherwise provided in this paragraph and in paragraph (2) of this subsection. The regulatory authority may impose additional requirements to protect against health hazards related to the conduct of the food establishment as a mobile operation, may prohibit the sale of some or all time/temperature controlled for safety (TCS) food, and when no health hazard will result, may waive or modify requirements of this rule relating to physical facilities, except those requirements as specified in paragraphs (7) and (8) of this subsection; subsection (c)(1)(A)-(E) of this section and 228.71-228.75 of this title (relating to Food). The regulatory authority may require a mobile food unit operator to demonstrate that the vehicle is readily moveable.

(2) Restricted operation. Mobile Food Units that serve only food that is prepared, packaged in individual servings, transported and stored under conditions meeting the requirements of these sections, or beverages that are non-time/temperature controlled for safety (NTCS) and are dispensed from covered urns or other protected equipment, need not comply with the requirements of these rules pertaining to the necessity of water and sewage systems nor to those requirements pertaining to the cleaning and sanitization of equipment and utensils if the required equipment for cleaning and sanitization exists at its central preparation facility.

(3) Readily moveable. The regulatory authority may prohibit alteration, removal, attachments, placement or change in, under, or upon the mobile food establishment that would prevent or otherwise reduce ready mobility. A regulatory authority may require a mobile food establishment to come, on an annual basis or as often as required, to a location designated by the regulatory authority as proof that the mobile food unit is readily moveable.

(4) Initial permitting inspection. The regulatory authority shall require a Mobile Food Unit to come to a location designated by the authority. The mobile unit must be totally operable at time of inspection, including but not limited to handwash/warewash facilities, refrigeration and wastewater disposal. Required documentation to have available includes:

(A) Certified Food Manager Certification

(B) Central Preparation Facility Authorization (if required). A signed letter of authorization is required, to verify facility use, if the Central Preparation Facility is not owned by the mobile unit operator.

(C) Central Preparation Facility Inspection Report. A copy of the most current health inspection of the central preparation facility must be maintained on the mobile unit at all time.

(D) Servicing Area Authorization. A signed letter of authorization required by the regulatory authority to verify service area use, if the servicing area is not owned by the mobile unit operator.

(E) Menu of all food items to be sold.

(5) Single-service articles. Mobile Food Units shall provide only single service articles for use by the consumer.

(6) Equipment, numbers and capacities.

(A) Cooling, heating, and holding capacities. Equipment for cooling and heating food, and holding cold and hot food, shall be sufficient in number and capacity to provide food temperatures as specified under Subchapter C of this rule.

(B) Manual warewashing, sink compartment requirements.

(i) A sink with at least three compartments shall be provided for manually washing, rinsing, and sanitizing equipment and utensils as specified under 228.107(b)(1) if this title.

(ii) Sink compartments shall be large enough to accommodate immersion of the largest equipment and utensils as specified under 228.107(b)(2) if this title.

(C) At least one handwashing sink shall be available for convenient use by employees and properly provisioned in accordance with 228.175(b)-(c) of this title.

(7) Mobile water system materials, design, and operation. Mobile Food Unit water systems shall meet the requirements of 228.149(f) of this title (relating to Water, Plumbing, and Waste).

(8) Mobile Food Unit tank inlet. A Mobile Food Unit's water tank inlet shall be:

(A) 19.1 mm (3/4 inch) in inner diameter or less; and

(B) Provided with a hose connection of a size or type that will prevent its use for any other service.

(C) Fill hose and water holding tank shall be labeled as "Potable Water."

(9) Sewage and other liquid waste.

(A) Waste retention. If liquid waste results from operation of a Mobile Food Unit, the waste shall be stored in a permanently installed retention tank.

(B) Capacity and drainage. A leak-proof sewage holding tank in a Mobile Food Unit shall be:

(i) sized at least 15% larger in capacity than the water supply tank;
and

(ii) sloped to a drain that is 25 millimeters (1 inch) in inner diameter or greater, equipped with a shut-off valve.

(C) All connections on the vehicle for servicing the Mobile Food Unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the Mobile Food Unit.

(D) Discharge liquid waste shall not be discharged from the retention tank while the Mobile Food Unit is in motion.

(E) Flushing a waste retention tank. A tank for liquid waste retention shall be thoroughly flushed and drained in sanitary manner.

(F) Removing Mobile Food Unit wastes. Sewage and other liquid wastes shall be removed from a Mobile Food Unit at an approved waste servicing area or by a sewage transport vehicle in such a way that a public health hazard or nuisance is not created.

(G) Liquid waste holding tank shall be labeled as “waste water”

(10) Mobile Food Unit water and wastewater exemption.

(A) A roadside vendor that sells only prepackaged food is exempt from these rules pertaining to water and wastewater.

(B) A Mobile Food Unit that prepares food requiring not water for operations and no hand contact with food is exempt from these rules pertaining to water and wastewater if the required cleaning and sanitization equipment exist at its central preparation facility. Chemically treated towelettes for handwashing may be used as specified in 228.147 (a)(3) of this title (pertaining to Water, Plumbing and Waste).

(11) Toilet rooms, convenience and accessibility. Toilet rooms shall be conveniently located and accessible to employees during all hours of operation.

(b) Central preparation facility.

(1) Supplies, cleaning, and servicing operations. Mobile Food Units shall operate from a central preparation facility or other fixed food establishment and shall report to such location daily for supplies and for cleaning and servicing operations.

(2) Construction. The central preparation facility or other fixed food service establishment, used as a base of operation for mobile food establishments, shall be constructed and operated in compliance with the requirements of these rules (pertaining to Physical Facilities).

(c) Servicing area and operations.

(1) Protection.

(A) A Mobile Food Unit servicing area shall include at least overhead protection for any supplying, cleaning, or servicing operation. Those areas used only for the loading of water and/or the discharge of sewage and other liquid waste, through the use of a closed system of hoses, need not be provided with overhead protection.

(B) Within this servicing area, a location provided for the flushing and drainage of liquid wastes shall be separate from the location provided for potable water servicing and for the loading and unloading of food and related supplies.

(C) A servicing area will not be required where only packaged food is placed on the Mobile Food Unit or where Mobile Food Unit do not contain waste retention tanks.

(D) The surface of the servicing area shall be constructed of a smooth nonabsorbent material, such as concrete or machine-laid asphalt and shall be maintained in good repair, kept clean, and be graded to drain.

(E) Potable water servicing equipment shall be installed in the servicing area according the Plumbing Code and shall be stored and handled in a way that protects the water and equipment from contamination.

(2) Construction exemption. The construction of the walls and ceilings of the servicing area is exempted from the provisions of 228.173(a) of this title (relating to Physical Facilities).



**MOBILE FOOD UNIT
DOCUMENTATION REQUIRED
FOR PERMIT**

The City of Huntsville has adopted the Texas Food Establishment Rules from the Department of State Health Services that includes laws pertaining to Mobile Food Establishments §228.221 (a-c). Documentation is required from the prospective business owner of the mobile food establishment and the property owner where the vehicle will sell food to the public. Since the City of Huntsville has an ordinance that prohibits selling food from streets or right-of-ways the business owner of the mobile food establishment must obtain written permission from the property owner to place the vehicle on their property. If this is a construction site then the construction superintendent must provide written approval. This document with the appropriate signatures will serve as written approval. Please read carefully.

Property Owner Approval for:

- ☐ Restroom Facilities
- ☐ Fresh water supply with backflow prevention and food grade quality water hose
- ☐ Access to wastewater and grease disposal systems
- ☐ Non-absorbent parking surface
- ☐ Dumpster use or adequate covered trash receptacles

Print Name:_____ Signature:_____

Location:_____ Date:_____

Mobile Food Establishment Owner Verifications:

- ☐ Commissary/Central Preparation Facility for food supplies with receipts provided from:_____
- ☐ Wastewater Disposal Site if off-premise:_____
- ☐ Grease Disposal Site if off-premise:_____
- ☐ Power source: Generator _____ or Electrical _____
- ☐ Plans or diagrams of equipment provided (if required).

Print Name:_____ Signature:_____

Location:_____ Date:_____

A Health Inspection Pre-Opening Fee of \$60.00 must be paid before any on-site inspection of the facility. The Mobile Food Establishment permit fee is \$250.00/yr. after approval has been obtained from the Health Inspector at the final inspection. Payments are made at City of Huntsville Service Center located at 448 St. Hwy. 75N, Huntsville, TX 77320.

The Building Official requires an Itinerant Vendor Permit of \$50.00/year for the approved location which is valid for only 90 days. This also can be obtained at the City of Huntsville Service Center.



MOBILE FOOD UNIT AT CONSTRUCTION SITES

The Health Inspection Division requires a Mobile Food Unit (MFU) to be in compliance with state laws from the Texas Department of State Health Services and International Building Code. **Food can not be prepared at home and sold to workers at construction sites.** For requirements see the MFU Application for Permit, MFU Documentation Required and MFU state laws in the Texas Food Establishment Rules (TFER). Failure to comply can result in a citation to Municipal Court. A MFU vendor must also obtain approval and an Itinerant Vendor, Merchant, Peddler Permit from the City of Huntsville, Building Official. For more information call 936/294-5717.



MOBILE FOOD UNIT & PERMANENT ESTABLISHMENT

When applying for a “Mobile Food Unit Permit” it is important to understand when a mobile food unit becomes a permanent establishment. If your unit connects to the City’s sewer service directly or indirectly and your electrical power is connected directly (without an approved plug-in connection) to a electrical metered source, your unit is the classified as a permanent food establishment. If your unit’s waste water is self-contained and the source of electrical power is from a generator or an approved plug-in to an electrical metered service, your unit is the classified as a “mobile food unit”.

The following represents the basic requirements for a “mobile food unit” and a “permanent establishment”:

Mobile Food Unit:

- Mobile Food Unit Permit must be obtained
- Itinerant Vender, Merchant, Peddler Permit must be obtained
- Self-contained waste must be discharged in an approved manor
- Water may be obtained from the water service on the property if the source of water is protected by an approved backflow protection assembly or an approved air gap.

Permanent Establishment (restaurant):

- Health Permit must be obtained prior to opening to the public
- Certificate of Compliance and a Building permit must be obtained prior to moving or constructing a restaurant on the proposed property.
- Plumbing system within the establishment must comply with the 2009 edition of the International Plumbing Code and City of Huntsville Code of Ordinance, chapter 12 and be permanently connected to the public water and sewer services. Please note that the sewer connection must be a separate connection than that of the any other building(s) on the property.
- Plumbing within the food unit must be permitted and installed by a plumber appropriately licensed by the State of Texas. The plumbing must also be approved by the City of Huntsville building inspector.
- Electrical within the food unit must comply with the 2014 edition of the National Electrical Code and City of Huntsville Code of Ordinance, chapter 20 and be permanently connected to a separate metered power source or from the permanent power source of an existing electrical service on the property. This connection must not be made by a plug-in connection.
- The electrical system within the restaurant must be permitted and installed by an electrician that is appropriately licensed by the State of Texas. The electrical system must also be approved by the City of Huntsville building inspector.

- The construction of the food unit must comply with the 2009 edition of the International Building Code and the 2009 International Energy Conservation Code if the unit is equipped with central air.
- The food unit must also comply with the Texas Accessibility Standards and any other applicable State requirements.
- To obtain the required permits the following must be submitted for review:
 1. Development and Building Permit Applications
 2. 3 copies of a site plan that indicates the property lines, parking, existing buildings, any easements that may exist on the property, and the proposed location of the food unit
 3. 2 copies of a floor plan of the food unit.
- Size and construction type of the food unit may indicate the need for additional construction documents.